UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,833	09/28/2001	David B. Kumhyr	AUS920010401US1	4999

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EXAMINER
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ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	09/966,833	KUMHYR ET AL.
	Examiner	Art Unit
	J. Bret Dennison	2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _28 September 2001_.
2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-32_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-32_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on _28 September 2001_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a) ☐ All   b) ☐ Some * c) ☐ None of:
       1. ☐ Certified copies of the priority documents have been received.
       2. ☐ Certified copies of the priority documents have been received in Application No. _____.
       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   This Action is in response to Application Number 09/966,833 received 28

September 2001.

2.   Claims 1-32 are presented for examination.

Claim Objections

Claims 8 and 28 are objected to because of the following informalities:

3.   Claims 8 and 28 recite "receiving from the user notification...." It is unclear

whether this means "receiving from the *user notification*" or "receiving from the user *a*

notification." Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Olsen

et al. (U.S. Patent Number 5,987,376).

4.   Regarding claims 1, 4, 9, 13, 19, 23, and 28, Olsen discloses a method and computer-usable carrier medium for establishing a computer-based communications session involving a user of a computer, said method comprising:

determining the availability of a potential participant in the communications session (Olsen, col. 6, lines 1-15, Olsen teaches application data that reflects the current state of the session, including current participants); and

according to the determined availability, displaying information on a display screen of the computer (Olsen, col. 6, lines 15-20, Olsen teaches the application data being available to clients of the system);

obtaining availability information indicating the availability of a user of the computer for communication using multiple communications applications (Olsen, col. 5, lines 57-67, col. 6, lines 1-5, Olsen discloses providing availability information to all users using multiple applications); and

wherein the information is stored in a data structure (Olsen, col. 7, lines 45-60).

5.   Regarding claim 2, Olsen discloses the limitations, substantially as claimed, as described in claim 1, including wherein said determining comprises retrieving availability information for the participant from a data structure (Olsen, col. 7, lines 45-60).

6.   Regarding claim 3, Olsen discloses the limitations, substantially as claimed, as described in claim 2, including wherein the data structure is stored on an additional computer (Olsen, col. 7, last paragraph).

7.   Regarding claim 5, Olsen discloses the limitations, substantially as claimed, as

described in claim 1, including wherein said displaying comprises displaying, for a given

communications application, a list of participants available for a communications

session using the communications application (Olsen, col. 6, lines 10-15).

8.   Regarding claim 6, Olsen discloses the limitations, substantially as claimed, as

described in claim 2, including wherein the availability information for the participant is

within an object in an object-based programming approach (Olsen, col. 6, lines 10-15).

9.   Regarding claim 7, Olsen discloses the limitations, substantially as claimed, as

described in claim 6, including wherein the object further comprises participant

identifiers effective to identify the participant to each of multiple communications

applications, and indication of the availability of the participant for each of the multiple

communications applications (Olsen, col. 6, lines 10-15).

10.   Regarding claim 8, Olsen discloses the limitations, substantially as claimed, as

described in claim 1, including receiving from the user notification of a desired

communications application to be used for the communications session; and if the

potential participant is available using the desired communications application,

retrieving a participant identifier effective to identify the participant to the

communications application (Olsen, col. 7, line 45 through col. 8, line 40, Olsen teaches

new participants joining the session and retrieving a unique id).

11.   Regarding claim 10, Olsen discloses the limitations, substantially as claimed, as

described in claim 9, including further comprising displaying the availability information

on a display screen of the computer (Olsen, col. 6, lines 5-20, Olsen teaches the

application data available to all clients).

12.   Regarding claim 11, Olsen discloses the limitations, substantially as claimed, as

described in claim 9, including sending the availability information to an additional

computer (Olsen, col. 6, lines 20-25).

13.   Regarding claim 12, Olsen discloses the limitations, substantially as claimed, as

described in claim 9, including obtaining respective user identifiers effective to identify

the user to each of the multiple communications applications (Olsen, col. 6, lines 50-55).

14.   Regarding claim 14, Olsen discloses the limitations, substantially as claimed, as

described in claim 13, including wherein said means for determining and means for

displaying comprise a communications aggregation program stored on a storage

medium within the system (Olsen, col. 6, lines 5-20).

15.   Regarding claim 15, Olsen discloses the limitations, substantially as claimed, as described in claim 14, including wherein the display screen and storage medium are associated with the same computer system (Olsen, col. 6, lines 20-25).

16.   Regarding claim 16, Olsen discloses the limitations, substantially as claimed, as described in claim 14, including wherein the communications aggregation program is adapted to access a data structure including participant availability information (Olsen, col. 7, lines 45-55).

17.   Regarding claim 17, Olsen discloses the limitations, substantially as claimed, as described in claim 14, including wherein the data structure and communications aggregation program are stored on different storage media associated with different computer systems (Olsen, col. 8, lines 5-16).

18.   Regarding claim 18, Olsen discloses the limitations, substantially as claimed, as described in claim 13, including further comprising: means for receiving, from an initiator of the session, notification of a desired communications application to be used for the communications session (Olsen, col. 7, lines 30-45, Olsen discloses admitting clients to the application session); and means for, if the potential participant is available using the desired communications application, retrieving a participant identifier effective to identify the participant to the communications application (Olsen, col. 7, lines 45-67, Olsen discloses retrieving a participant identifier).

19.   Regarding claim 20, Olsen discloses the limitations, substantially as claimed, as described in claim 19, including wherein the first and second program instructions are within a communications aggregation program stored on the carrier medium (Olsen, col. 6, lines 20-25).

20.   Regarding claim 21, Olsen discloses the limitations, substantially as claimed, as described in claim 19, including wherein the initiating computer is the same computer on which the program instructions are executable (Olsen, col. 6, lines 20-30, col. 7, line 20-45).

21.   Regarding claim 22, Olsen discloses the limitations, substantially as claimed, as described in claim 19, including third program instructions executable on the computer for receiving from the initiator of the communication notification of a desired communications application to be used (Olsen, col. 7, lines 25-35); and fourth program instructions executable on the computer for, if the potential participant is available using the desired communications application, retrieving a participant identifier effective to identify the participant to the communications program (Olsen, col. 7, lines 45-60).

22.   Regarding claim 24, Olsen discloses the limitations, substantially as claimed, as described in claim 23, including wherein the data structure further stores the information indicating availability for each of multiple potential participants (Olsen, col. 7, lines 45-

65, Olsen teaches participant identifiers indicating availability of the participant in the session).

23.   Regarding claim 25, Olsen discloses the limitations, substantially as claimed, as described in claim 23, including wherein the data structure further stores a set of participant identifiers effective to identify the potential participant to each of the multiple communications applications (Olsen, col. 7, lines 45-65, Olsen teaches participant identifiers indicating availability of the participant in the session).

24.   Regarding claim 26, Olsen discloses the limitations, substantially as claimed, as described in claim 25, including wherein the set of participant identifiers and the availability information for each participant are within an object in an object-based programming approach (Olsen, col. 7, lines 45-65, Olsen teaches participant identifiers indicating availability of the participant in the session).

25.   Regarding claim 27, Olsen discloses the limitations, substantially as claimed, as described in claim 23, including wherein the potential participant is a user of a computer within which the carrier medium is located (Olsen, col. 6, lines 1-5, lines 20-25).

26.   Regarding claim 29, Olsen discloses the limitations, substantially as claimed, as described in claim 28, including wherein said determining comprises retrieving

availability information for the participant from a data structure (Olsen, col. 7, lines 45-60).

27.   Regarding claim 30, Olsen discloses the limitations, substantially as claimed, as described in claim 28, including further comprising, according to the determined availability, displaying information on the display screen of the computer (Olsen, col. 6, lines 5-20, Olsen teaches the application data available to all clients).

28.   Regarding claim 31, Olsen discloses the limitations, substantially as claimed, as described in claim 30, including wherein said displaying comprises displaying, for a given participant, availability for each of multiple communications applications (Olsen, col. 6, lines 5-20, Olsen teaches the application data available to all clients).

29.   Regarding claim 32, Olsen discloses the limitations, substantially as claimed, as described in claim 30, including wherein said displaying comprises displaying, for a given communications application, a list of participants available for a communications session using the communications application (Olsen, col. 6, lines 5-20, Olsen teaches the application data available to all clients).

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by

Quantrano et al. (U.S. Patent Number 6,748,420).

30.   Regarding claim 1, Quantrano discloses a method of establishing a computer-

based communications session involving a user of a computer, said method comprising:

determining the availability of a potential participant in the communications

session (Quantrano, col. 5, lines 55-57, Quantrano discloses creating shared session

identification information for sessions including multiple users); and

according to the determined availability, displaying information on a display

screen of the computer (Quantrano, col. 5, lines 57-67, Quantrano discloses providing

the information to each user); and

31.   Regarding claim 2, Quantrano discloses the limitations, substantially as claimed,

as described in claim 1, including wherein said determining comprises retrieving

availability information for the participant from a data structure (Quantrano, col. 5, lines

55-57, Quantrano discloses providing shared session identification information).

32.   Regarding claim 3, Quantrano discloses the limitations, substantially as claimed,

as described in claim 2, including wherein the data structure is stored on an additional

computer (Quantrano, col. 5, lines 55-62).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to J. Bret Dennison whose telephone number is (571)272-

3910. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David A Wiley can be reached on (703)308-5221. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

J. Bret Dennison
Patent Examiner
Art Unit 2143